

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD) (SN) ECF Case
---	------------------------------------

This document relates to:

Ashton et al. v. al Qaeda Islamic Army, et al., 02-cv-6977 (GBD)(SN) (and member case
Burlingame v. Bin Laden, et al., 02-cv-7230 (GBD)(SN))
Ashton et al. v. Kingdom of Saudi Arabia, 17-cv-02003 (GBD)(SN)

**[PROPOSED] ORDER AWARDING TREBLE DAMAGES &
PREJUDGMENT INTEREST AND FINAL JUDGMENTS
AGAINST THE TALIBAN TO THE ASHTON-DICKEY PLAINTIFFS**

Upon consideration of the evidence and arguments submitted by the Personal Representatives of the Estates of Joseph D. Dickey, Robert D. Eaton, James J. Kelly, Timothy M. O'Brien, Michael H. Seaman, Robert F. Sliwak, John Wallice, Jr., Farrell Lynch, Ronald Breitweiser, and John Ryan regarding their wrongful death claims (the Plaintiffs named herein are “*Ashton-Dickey Plaintiffs*” in the above-captioned litigation¹) against the Taliban, together with the entire record in this case, and in addition to the prior partial default judgment awards for compensatory damages and treble damages for the deaths of the decedents Joseph D. Dickey, Robert D. Eaton, James J. Kelly,

¹ The “*Ashton-Dickey Plaintiffs*” are the Personal Representatives, widows and children within the following Estates: The Estate of Joseph D. Dickey Jr. (Irene Dickey, spouse, and children: Joseph Dickey III and Elizabeth Dickey); The Estate of Robert D. Eaton (Jacqueline Eaton, spouse); The Estate of James J. Kelly (Joanne Kelly, spouse, and children: Brianne Kelly, Kaitlyn Kelly, Colleen Kelly, and Erin Kelly); The Estate of Timothy M. O'Brien (Lisa O'Brien, spouse, and children: John O'Brien, Madeline O'Brien, and Jacqueline O'Brien); The Estate of Michael H. Seaman (Dara Seaman, spouse, and children: Michaela Seaman, Mary Seaman and Edward Seaman); The Estate of Robert F. Sliwak (Susan Sliwak, spouse, and children: Ryan Sliwak, Kyle Sliwak, and Nicole Sliwak); The Estate of John Wallice Jr. (Allison Wallice, spouse, and children: John Wallice III, Christian Wallice and Patrick Wallice); The Estate of Farrell Lynch (Eileen Lynch, spouse, and children: Anne Lynch, Kathleen Lynch, and Meaghan Lynch); The Estate of Ronald M. Breitweiser (Kristen Breitweiser, spouse, and Caroline Breitweiser, child); The Estate of John J. Ryan (Patricia Ryan, spouse, and children: Colin Ryan, Kristen Ryan, and Laura Ryan).

Timothy M. O'Brien, Michael H. Seaman, Robert F. Sliwak, John Wallice, Jr., Farrell Lynch, Ronald Breitweiser, and John Ryan, issued by this Court, it is hereby;

ORDERED that the prior, partial default judgments entered on behalf of the *Ashton-Dickey* Plaintiffs against the Taliban on behalf of the widows and children within the following Estates, and the Estates themselves (Estates of Dickey, Eaton, Kelly, O'Brien, Seaman, Silwak, Wallice and Lynch (*see* ECF#8973), and Estates of Breitweiser and Ryan (*see* ECF#9858)), are hereby supplemented; and it is further

ORDERED that the prior treble damages awarded to the *Ashton-Dickey* Plaintiffs, as identified within Exhibit A, against the Taliban, are acknowledged in the amounts described therein, since this Court has previously ruled that the Defendant-in-Default, the Taliban, is subject to treble damage awards on the compensatory awards issued by the Court under the Anti-Terrorism Act; and it is further

ORDERED that pre-judgment interest is awarded against Defendant the Taliban at the rate of 4.96 percent per annum, compounded annually for the period from September 11, 2001, until the date of the final Judgment for damages; and it is further

ORDERED that the *Ashton* Plaintiffs not appearing within Exhibit A, who were not previously awarded compensatory damages or treble damages, may submit applications in later stages, and they will be approved on the same basis as currently approved for those plaintiffs; and it is further

ORDERED that the Clerk of this Court to enter a final Judgment against the Defendant, the Taliban, certified as final pursuant to Fed. R. Civ. P. 54(b).

Furthermore, the Court respectfully directs the Clerk of the Court to terminate the Motion at ECF No. 10057.

Dated: New York, New York
August ____, 2024

SO ORDERED:

GEORGE B. DANIELS
UNITED STATES DISTRICT COURT JUDGE